REMARKS

The Office Action mailed on 25 March 2009 was received and reviewed. Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

Rejections based on 35 U.S.C. § 103(a)

A)   Applicable Authority

Title 35 U.S.C. § 103(a) declares, a patent shall not issue when "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, or suggestions or motivations found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior art reference teachings to produce the claimed invention. See *Application of Bergel*, 292 F. 2d 955, 956-957 (CCPA 1961). Recently, the Supreme Court elaborated, at pages 13-14 of the *KSR* opinion, it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in

order to determine whether there was an apparent reason to combine the known elements in the

fashion claimed by the [patent application]." *KSR v. Teleflex*, No. 04-1350, 550 U.S. 398 (2007).

      B)   <u>Obviousness Rejections Based on U.S. Patent No. 6,199,136 ("Shteyn")</u>

<u>and U.S. Patent No. 5,630,204 ("Hylton ").</u>

      Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

Shteyn and Hylton. Applicant respectfully traverses the obviousness rejection of claims 1-16

because Shteyn and Hylton fail to describe or suggest all elements of independent claims 1, 11,

and 14.

      Independent claim 1 recites a system for event driven content installation on a

network device over a data network. The system includes a network device and a remote server.

The network device detects a change in a configuration of the network device and transfers

information regarding the configuration change via a first network path. In turn, the remote

server receives the information regarding the configuration change. In response to the

information received, the remote server searches a database for content to be downloaded to the

network device. The content corresponds to the configuration change. The remote server

supports the configuration change to the network device, by comparing the information received

to content stored in the database. The remote server sends a message over the first network path

notifying the network device of a location of the content corresponding to the configuration

change. The network device requests over a second network path different from the first

network path downloading of the content at the location identified in the message. The remote

server downloads the content to the network device in response to the request via the second

network path. And in parallel, the remote server instructs the network device, via the first

network path, how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded.

It is respectfully submitted that the cited prior art, including Shteyn and Hylton, fail to describe or suggest, among other things, *a remote server receiving the information regarding the configuration change and in response to the information received, searching a database for content to be downloaded to the network device and corresponding to the configuration change, supporting the configuration change to the network device, by comparing the information received to content stored in the database; the remote server downloading the content to the network device in response to the request, via the second network path, and in parallel, instructing the network device, via the first network path, how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded;* as recited in independent claim 1.

The Office relies upon Shteyn and Hylton to render the invention of independent claim 1 unpatentable. The Office contends that Shteyn and Hylton, alone or in combination, expressly or inherently, describe or suggest a network device that detects a configuration to the network device and a remote server that responds to request from the network device in response to the configuration change to the network device. Applicant respectfully believes the prior art of record fails to describe or suggest to one of ordinary skill in the art the invention of independent claim 1.

The Office alleges that Shteyn, at col. 2, l. 32-col. 3, l. 7; col. 7, ll. 11-20 and 50-60; and col. 8, ll. 25-50, describes or suggests a remote server receiving the information regarding the configuration change at a network device and in response to the information received, searching a database for content to be downloaded to the network device and

corresponding to the configuration change, supporting the configuration change to the network device, by comparing the information received to content stored in the database. Contrary to the Office's allegations Shteyn expressly describes an event manager that monitors a network to detect changes in the configuration of the network. In turn, a directory of devices is updated and object properties are updated to reflect the change. Nothing in Shteyn describes or suggests detecting a configuration change within the network device, communicating the change to a remote server that searches a content database for content that supports the change on the network device as recited in independent claim 1. At best, Shteyn describes or suggests, updating object properties to reflect changes in a network. The Office fails to consider the context of the statements made in Shteyn. For instance, Shteyn, at col. 2, ll. 10-15, expressly describes the data communications as being peer-to-peer. Nothing in Shteyn describes a remote server receiving the information regarding the configuration change. Hylton fails to remedy the deficiencies of Shteyn.

The Office alleges that Shteyn in combination with Hylton, at col. 8, ll. 25-29 and col. 22, ll.49-57 describes or suggests a remote server downloading the content to the network device in response to the request, via the second network path, and in parallel, instructing the network device, via the first network path, how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded. Contrary to the Office's allegations Shteyn expressly describes an event manager that monitors a network to detect changes in the configuration of the network that are used to update object properties. Hytlon describes a module that uses a subscriber's profile to transmit a service map and control signals over an out-of-band transmission stream. Hylton requires the device to tune to a frequency identified in the service map to obtain the content. However, nothing in Shteyn or

Hylton, alone or in combination, expressly or inherently, describes or suggests a remote server receiving a request over a first network path for content based on a configuration change at the network device, processing the request to select appropriate content in response to the request, and providing the content over a second network path in parallel providing installation instructions and an event map over the first network path.

Unlike Shteyn and Hylton, alone and in combination, the invention of independent claim 1 requires, among other things, a remote server that receives information regarding the configuration change and in response to the information received, searches a database for content to be downloaded to the network device and corresponding to the configuration change, and supports the configuration change to the network device, by comparing the information received to content stored in the database. The remote server downloads the content to the network device in response to the request, via the second network path, and in parallel, instructing the network device, via the first network path, how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded. Shteyn and Hylton fail to expressly or inherently describe or suggest all elements of the invention of independent claim 1. Accordingly, for at least the above reasons, Applicant respectfully requests withdrawal of the obviousness rejection and allowance of independent claim 1.

Dependent claims 2-10 further define novel features of the invention of independent claim 1 and each depend directly from independent claim 1. Accordingly, for at least the reasons set forth above with respect to independent claim 1, dependent claims 2-10 are believed to be in condition for allowance by virtue of their dependency. See 37 C.F.R. § 1.75(c).

As such, withdrawal of the obviousness rejection and allowance of dependent claims 2-10 are

respectfully requested.

Independent claim 11 recites a method for event driven content installation on a

network device over a data network. A change in a configuration of a network device is

detected. Information regarding the configuration change is transferred to a remote server. The

information is transferred via a first network path. A message is received over the first network

path from the remote server that provides a location in a content database, which has been

searched to locate content in response to the information transferred. The located content

corresponds to the configuration change, supports the configuration change to the network

device, and is downloaded to the network device. The content is downloaded from the database

location identified in the message via second network path different than the first network path.

In parallel to the downloading, the instructions from the remote server are received, via the first

network path, on how to install the content downloaded with an event map that specifies events

which trigger activation of the content downloaded.

It is respectfully submitted that the cited prior art, including Shteyn and Hylton,

fail to describe or suggest, among other things, *receiving, via the first network path, a message*

from the remote server that provides a location in a database of content which has been

searched to locate content in response to the information transferred, wherein the located

content corresponds to the configuration change, supports the configuration change to the

network device, and is downloaded to the network device; downloading the content from the

database location identified in the message via second network path different than the first

network path; and in parallel to the downloading, receiving instructions from the remote server,

via the first network path, on how to install the content downloaded with an event map that

specifies events which trigger activation of the content downloaded; as recited in independent

claim 11.

The Office relies upon Shteyn and Hylton to render the invention of independent

claim 11 unpatentable. The Office contends that Shteyn and Hylton, alone or in combination,

expressly or inherently, describe or suggest a network device that detects a configuration to the

network device, receives, over a first network path, a message having a location of content

selected by a remote server that responds to a request from the network triggered by the

configuration change to the network device. Applicant respectfully believes the prior art of

record fails to describe or suggest to one of ordinary skill in the art the invention of independent

claim 11.

The Office alleges that Shteyn, at col. 2, l. 32-col. 3, l. 7; col. 7, ll. 11-20 and 50-

60; and col. 8, ll. 25-50, describes or suggests receiving, via the first network path, a message

from the remote server that provides a location in a database of content which has been searched

to locate content in response to the information transferred, wherein the located content

corresponds to the configuration change, supports the configuration change to the network

device, and is downloaded to the network device. Contrary to the Office's allegations Shteyn

expressly describes an event manager that monitors a network to detect changes in the

configuration of the network. In turn, a directory of devices is updated and object properties are

updated to reflect the change. Nothing in Shteyn describes or suggests receiving a message from

a remote server over a first network path, the message having a location of content selected by

the remote server in response to a request received from the network device as recited in the

independent claim 11. At best, Shteyn describes or suggests, updating object properties to reflect

changes in a network. The Office fails to consider the context of the statements made in Shteyn.

For instance, Shteyn, at col. 2, ll. 10-15, expressly describes the data communications as being peer-to-peer. Nothing in Shteyn describes a remote server communicating a message locating content selected by the remote server in response to information regarding the configuration change at the network device. Hylton fails to remedy the deficiencies of Shteyn.

The Office alleges that Shteyn, at col. 4, ll. 36-67 in combination with Hylton, at col. 8, ll. 25-29 and col. 22, ll.49-57 describes or suggests downloading the content from the database location identified in the message via a second network path different than the first network path; and in parallel to the downloading, receiving instructions from the remote server, via the first network path, on how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded. Contrary to the Office's allegations Shteyn expressly describes an event manager that monitors a network to detect changes in the configuration of the network that are used to update object properties. Moreover, Shteyn describes using self-describing data to update a device control module. However, Shteyn fails to describe or suggest downloading content from a location in a database selected by a remote server. Hytlon describes a module that uses a subscriber's profile to transmit a service map and control signals over an out-of-band transmission stream. Hylton requires the device to tune to a frequency identified in the service map to obtain the content. However, nothing in Shteyn or Hylton, alone or in combination expressly or inherently describes or suggests a remote server receiving a request over a first network path for content based on a configuration change at the network device, processing the request to select appropriate content in response to the request, and the network device receiving the location of the content over a first network path, downloading the content from the location over a second path and in parallel receiving installation instructions and an event map over the first network path. As discussed above,

Shteyn describes home entertainment systems, and Hylton describes video delivery systems. However, nothing in Shteyn and Hylton, alone and in combination, describes or suggests, among other things, an event map that allows the remote server to trigger activation of the downloaded content.

Unlike Shteyn and Hylton, alone and in combination, the invention of independent claim 11 requires, among other things, receiving, via the first network path, a message from the remote server that provides a location in a database of content which has been searched to locate content in response to the information transferred, wherein the located content corresponds to the configuration change, supports the configuration change to the network device, and is downloaded to the network device. In turn, the content is downloaded from the database location identified in the message via a second network path different than the first network path. In parallel to the downloading, instructions and an event map are received from the remote server, via the first network path. The instructions describe how to install the content downloaded. The event map specifies events that trigger activation of the content downloaded. Shteyn and Hylton fail to expressly or inherently describe or suggest all elements of the invention of independent claim 11. Accordingly, for at least the above reasons, Applicant respectfully requests withdrawal of the obviousness rejection and allowance of independent claim 11.

Dependent claims 12-13 further define novel features of the invention of independent claim 11 and each depend directly from amended independent claim 11. Accordingly, for at least the reasons set forth above with respect to independent claim 11, dependent claims 12-13 are believed to be in condition for allowance by virtue of their

dependency. See 37 C.F.R. § 1.75(c). As such, withdrawal of the obviousness rejection and allowance of dependent claims 12-13 are respectfully requested.

Independent claim 14 recites a method for event driven content installation on a network device over a data network. Information from a remote network device regarding a change in a configuration of the remote network device is received via a first network path. In response to the information received, a database is searched to locate content. The located content corresponds to the configuration change, supports the configuration change to the network device, by comparing the information received to content stored in the database, and is downloaded to the remote network device. A message is sent over the first network path to the remote network device including a location of the content corresponding to the configuration change. A request for a download of the content at the location is received from the remote network device. The download request is received via a second network path different than the first network path. The content is downloaded to the remote network device in response to the request. The content is downloaded via the second network path. In parallel to the downloading, the remote network device is instructed, via the first network path, how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded.

It is respectfully submitted that the cited prior art, including Shteyn and Hylton, fail to describe or suggest, among other things, *in response to the information received, searching a database to locate content, wherein the located content corresponds to the configuration change, supports the configuration change to the network device, by comparing the information received to content stored in the database, and is downloaded to the remote network device; sending a message to the remote network device including a location of the*

content corresponding to the configuration change, the message sent via the first network path;

receiving a request for a download of the content at the location from the remote network device,

the request received via a second network path different than the first network path;

downloading the content to the remote network device in response to the request, the content

downloaded via the second network path; and in parallel to the downloading, instructing the

remote network device, via the first network path, how to install the content downloaded with an

event map that specifies events which trigger activation of the content downloaded; as recited in

independent claim 14.

The Office relies upon Shteyn and Hylton to render the invention of amended

independent claim 14 unpatentable. The Office contends that Shteyn and Hylton, alone or in

combination, expressly or inherently, describe or suggest a remote server that receives a

configuration change to the network device over a first network path, selects content based on

the configuration changes, provides a message having a location of content selected by the

remote server, and provides the content in response to a download request from the network

device. Applicant respectfully believes the prior art of record fails to describe or suggest to one

of ordinary skill in the art the invention of independent claim 14.

The Office alleges that Shteyn, at col. 2, l. 32-col. 3, l. 7; col. 3, l 65-col. 4, l. ;

col. 7, ll. 11-20 and 50-60; and col. 8, ll. 25-50, describes or suggests in response to the

information received, searching a database to locate content, wherein the located content

corresponds to the configuration change, supports the configuration change to the network

device, by comparing the information received to content stored in the database, and is

downloaded to the remote network device; sending a message to the remote network device

including a location of the content corresponding to the configuration change, the message sent

via the first network path; receiving a request for a download of the content at the location from

the remote network device, the request received via a second network path different than the first

network path. Contrary to the Office's allegations Shteyn expressly describes an event manager

that monitors a network to detect changes in the configuration of the network. In turn, a

directory of devices is updated and object properties are updated to reflect the change. Nothing

in Shteyn describes or suggests searching a database of content to select content for a network

device, sending a message from the remote server over a first network path, the message having

a location of content selected by the remote server in response to a request received from the

network device as recited in independent claim 14. At best, Shteyn describes or suggests,

updating object properties to reflect changes in a network. The Office fails to consider the

context of the statements made in Shteyn. For instance, Shteyn, at col. 2, ll. 10-15, expressly

describes the data communications as being peer-to-peer and Shteyn expressly states the registry

is a device registry. Nothing in Shteyn describes a remote server communicating a message

locating content selected by the remote server in response to information regarding the

configuration change at the network device. Hylton fails to remedy the deficiencies of Shteyn.

The Office alleges that Shteyn, at col. 4, ll. 36-67 in combination with Hylton, at

col. 8, ll. 25-29 and col. 22, ll.49-57, describes or suggests downloading the content to the

remote network device in response to the request, the content downloaded via the second

network path; and in parallel to the downloading, instructing the remote network device, via the

first network path, how to install the content downloaded with an event map that specifies events

which trigger activation of the content downloaded. Contrary to the Office's allegations Shteyn

expressly describes an event manager that monitors a network to detect changes in the

configuration of the network that are used to update object properties. Moreover, Shteyn

describes using self-describing data to update a device control module. However, Shteyn fails to

describe or suggest downloading content from a location in a database selected by a remote

server in response to a request from the network device. Hytlon describes a module that uses a

subscriber's profile to transmit a service map and control signals over an out-of-band

transmission stream. Hylton requires the device to tune to a frequency identified in the service

map to obtain the content. However, nothing in Shteyn or Hylton, alone or in combination

expressly or inherently describes or suggests a remote server receiving a request over a first

network path for content based on a configuration change at the network device, processing the

request to select appropriate content in response to the request, and the network device receiving

the location of the content over a first network path, downloading the content from the location

over a second path in response to a request from the network device and in parallel receiving

installation instructions and an event map over the first network path. As discussed above,

Shteyn describes home entertainment systems, and Hylton describes video delivery systems.

However, nothing in Shteyn and Hylton, alone and in combination, describes or suggests, among

other things, an event map that allows the remote server to triggers activation of the downloaded

content. As discussed above, Shteyn describes home entertainment systems, and Hylton

describes video delivery systems. However, nothing in Shteyn and Hylton, alone and in

combination, describes or suggests, among other things, an event map that allows the remote

server to trigger activation of the downloaded content.

Unlike Shteyn and Hylton, alone and in combination, the invention of

independent claim 14 requires, among other things, in response to the information received from

the network device regarding the change in configuration, searching a database to locate content,

wherein the located content corresponds to the configuration change, supports the configuration

change to the network device, by comparing the information received to content stored in the database, and is downloaded to the remote network device. The remote network device receives a message including a location of the content corresponding to the configuration change. The message is sent via the first network path. A request to download the content at the location is recieved from the remote network device via a second network path different than the first network path. The content is downloaded to the remote network device in response to the request via the second network path; and in parallel to the downloading, the remote network device, receives, via the first network path, instructions and an event map. The instructions describe how to install the content downloaded. The event map specifies events which trigger activation of the content downloaded. Shteyn and Hylton fail to expressly or inherently describe or suggest all elements of the invention of independent claim 14. Accordingly, for at least the above reasons, Applicant respectfully requests withdrawal of the obviousness rejection and allowance of independent claim 14.

Dependent claims 15-16 further define novel features of the invention of independent claim 14 and each depend directly from independent claim 14. Accordingly, for at least the reasons set forth above with respect to independent claim 14, dependent claims 15-16 are believed to be in condition for allowance by virtue of their dependency. See 37 C.F.R. § 1.75(c). As such, withdrawal of the obviousness rejection and allowance of dependent claims 15-16 are respectfully requested.

CONCLUSION

For at least the reasons stated above, the pending claims are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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